

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

CLIFTON J. FOWLER, JR.,
Plaintiff

Case No. 1:11-cv-649
Litkovitz, M.J.

VS

US BANK N.A., et al.,
Defendants.

ORDER

Plaintiff Clifton J. Fowler, Jr., filed this civil action through counsel on September 20, 2011. (Doc. 1). On May 29, 2012, plaintiff's counsel filed a motion to withdraw as attorney for plaintiff. (Doc. 23). The Court scheduled the matter for a hearing and ordered counsel for plaintiff to send notice of the hearing to plaintiff by certified mail with return receipt requested. (Doc. 25). A hearing on the motion was held on August 2, 2012. (Doc. 26). Plaintiff failed to appear at the hearing. The Court issued an Order that same date granting the motion to withdraw, granting plaintiff 30 days to secure new counsel or decide to proceed on his own pro se, and ordering plaintiff to notify the Court in writing by September 4, 2012, whether he would proceed through counsel or pro se. (Doc. 27). The Court directed the Clerk of Court to serve plaintiff with a copy of the Order by certified and regular mail and by email. The Order sent by regular mail was returned by the United States Postal Service as undeliverable (Doc. 28), and the certified mail was returned marked "unclaimed." (Doc. 29).

To date, plaintiff has failed to respond to the Court's August 2, 2012 Order to notify the Court in writing by September 4, 2012, whether he will proceed through counsel or pro se in this action. Plaintiff's failure to respond to the Court's Order warrants dismissal of this case pursuant

to Fed. R. Civ. P. 41(b) for failure to prosecute. *See Jourdan v. Jabe*, 951 F.2d 108, 109-10 (6th Cir. 1991). District courts have this power to dismiss civil actions for want of prosecution to “manage their own affairs so as to achieve the orderly and expeditious disposition of cases.” *Link v. Wabash R.R.*, 370 U.S. 626, 630-631 (1962). *See also Jourdan*, 951 F.2d at 109.

IT IS THEREFORE ORDERED THAT:

Plaintiff’s complaint is dismissed with prejudice.

Date: 9/6/2012

Karen L. Litkovitz
Karen L. Litkovitz, Magistrate Judge
United States District Court